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Attorneys for Defendants
THE CLOROX COMPANY; THE EMPLOYEE
BENEFITS COMMITTEE OF THE CLOROX
COMPANY 401(k) PLAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JAMES MCMANUS,

Plaintiff,

v.

THE CLOROX COMPANY; THE
EMPLOYEE BENEFITS COMMITTEE OF
THE CLOROX COMPANY 401(k) PLAN; and
DOES 1 to 10 inclusive,

Defendants.

Case No. 4:23-CV-05325-YGR

**DEFENDANTS' STATEMENT OF
RECENT DECISION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

Pursuant to Local Rule 7-3(d)(2), Defendants The Clorox Company and the Employee Benefits Committee of the Clorox Company 401(k) Plan submit this Statement of Recent Decision to bring to the Court's attention the recent decision granting the defendants' motion to dismiss in *Dimou v. Thermo Fisher Scientific Inc.*, Case No. 23-cv-1732 (S.D. Cal.), attached hereto as Exhibit 1. The court ruled that the plaintiff's allegations challenging the defendants' allocation of forfeitures to reduce Thermo Fisher Scientific Inc.'s contributions to its 401(k) plan rather than to pay participants' share of plan expenses did not state plausible violations of ERISA's fiduciary duties of loyalty and prudence, anti-inurement rule, or prohibited transactions.

Dated: September 20, 2024

Respectfully submitted,

By: /s/ James O. Fleckner
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on September 20, 2024. I further certify that all participants in the case are registered CM/ ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on September 20, 2024.

/s/ James O. Fleckner
James O. Fleckner